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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,702	08/14/2006	Frank Hondmann	2002P01437WOUS	4817

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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
100 BOSCH BOULEVARD  
NEW BERN, NC 28562

EXAMINER
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LETTMAN, BRYAN MATTHEW

ART UNIT	PAPER NUMBER
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3746

NOTIFICATION DATE	DELIVERY MODE
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10/06/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/539,702

Applicant(s)

HONDMANN ET AL.

Examiner

Bryan Lettman

Art Unit

3746

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Devon C Kramer/  
Supervisory Patent Examiner, Art Unit 3746

/B. L./  
Examiner, Art Unit 3746

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argues that "Pettinari EP 0 722 070 does not disclose, as asserted by the Office Action, at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. Instead, the electronic componentry 7a in the form of a circuit board of Pettinari EP 0 722 070 is mounted in a hood front panel 20A, not a "seat arrangement." MPEP §2111 states that "[d]uring patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In lines 19-27 of page 2 in the specification, it is stated that "[t]he term seat arrangement is understood to mean a retainer in or on the ventilator housing for a technical component for operating the ventilator. In each case, the seat arrangement is designed such that the corresponding component may be easily attached in or on this seat arrangement." As shown in Figures 3 and 4 of Pettinari, the recess 8 retains a technical component 7A in the ventilator housing. Accordingly, using the broadest reasonable interpretation of the claim limitations, consistent with the specification, Pettinari disclose a seat arrangement formed integrally with the ventilator housing and Applicants' argument is therefore unpersuasive.

Applicants next argues that "a person of ordinary skill in the art would not be provided with any motivation to configure the micro fan arrangement of Winkler US Patent Application No. 2005/0106046 with the heat dissipating housing of US Patent No. 6,144,556 to Lanclos." Applicants goes on to explain that Lanclos '556 discloses a heat dissipation housing which "is not related to the field of ventilators for a cooking appliance nor is it related to the field of housings or electrical components for such cooking appliance ventilators". It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Applicants discloses a ventilation system, and both Winkler and Lanclos disclose ventilation systems. Accordingly, a person of ordinary skill in the art would be motivated to combine Winkler and Lanclos to solve a problem common to ventilation systems.

Applicants further argues that the Examiner has used hindsight reasoning to make the combination of Winkler and Lanclos '556. Applicants' argument of hindsight reasoning is predicated on the absence of any other stated motivation for the combination. However, since Applicants' arguments were not persuasive with respect to the Examiner's stated motivation for the combination, Applicant's argument for hindsight reasoning is thus not persuasive.

Applicants next argues that "Lanclos '556 does not teach or disclose, as recited in claim 13, a seat arrangement that is isolated from the channel formed by the ventilator housing such that air flowing through the channel does not flow in contact with the seat arrangement." However, as detailed on the Final rejection, Winkler teaches "a seat arrangement that is isolated from the channel formed by the ventilator housing such that air flowing through the channel does not flow in contact with the seat arrangement". Since Winkler, the primary reference, already teaches this limitation, it is not necessary for Lanclos '556, the secondary reference to teach the same limitation. Accordingly this argument is unpersuasive.

With respect to claims 20 and 28, Applicants have pointed out a statement made by the Examiner which has unintentionally caused confusion. At the top of page 9 in the Final rejection, after relying on Kudoh for the teaching of a mechanism for relieving strain on said cable, the Examiner states that "Kudoh does not teach a mechanism for relieving strain on said cable which provides a radial inward force." The Examiner did not mean to imply that Kudoh does not teach a mechanism for relieving strain, just that the mechanism taught by Kudoh is silent as to whether it imparts a radial inward force on the cable. The Examiner apologizes for this confusion and thanks Applicants for pointing it out so that the record is made clear. Applicants further argue that Kudoh does not teach a radially inward force on the cable. However, as explained above and in the Final rejection, the Examiner relies on Harrington for this teaching, not Kudoh, therefore this argument is unpersuasive.

Finally, Applicants argues that Harrington does not teach a housing and a cover arrangement as recited in claim 28. However, the Examiner has not relied on Harrington for this teaching. As detailed in the Final Rejection, these features are instead taught by Kudoh, prior to the introduction of any teachings from Harrington. Accordingly, Applicants argument is unpersuasive..